

**Notice of Allowability**

Application No.

09/886,327

Examiner

Vy Q. Bui

Applicant(s)

MCEWEN, JAMES ALLEN

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE (2/5/2007).
2. ☒ The allowed claim(s) is/are 1,2,5,6,8,9,19 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Reasons For Allowance***

The following is an examiner's statement of reasons for allowance: the amendment has clearly defined the present invention over the prior art reference.

The prior art of reference has failed to disclose or suggest

an apparatus for protecting a patient's limb from tourniquet-related injury comprising a tourniquet cuff having a length sufficient for encircling a limb having a limb circumference within a range of not less than a predetermined minimum and not more than a predetermined maximum, and wherein the cuff has a first indicium thereon that is indicative of that range; a stretchable limb protection sleeve having a tubular shape and an unstretched circumference that is less than the predetermined minimum, wherein the sleeve is formed to apply a pressure to the limb that is greater than a predetermined minimum pressure and less than a predetermined maximum pressure; matching means perceptible to a user for matching the sleeve to the first indicium of the cuff the matching means including a second indicium on the sleeve that corresponds to the first indicium on the cuff; and especially wherein the cuff has a predetermined width and forms a generally cylindrical shape when encircling the limb, and whereby the sleeve is sized to be substantially wider than the cuff thereby to enable part of the sleeve to underlie the cuff around the limb while another part of the sleeve is folded over the cuff when the cuff encircles the limb; and

an apparatus for protecting a patient's limb from tourniquet-related injury comprising a tourniquet cuff having a length sufficient for encircling a limb having a limb circumference within

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a range of not less than a predetermined minimum and not more than a predetermined maximum, and wherein the cuff has a first indicium thereon that is indicative of that a stretchable limb protection sleeve having a tubular shape and an unstretched circumference that is less than the predetermined minimum, wherein the sleeve is formed to apply a pressure to the limb that is greater than a predetermined minimum pressure and less than a predetermined maximum pressure; and matching means perceptible to a user for matching the sleeve to the first indicium of the cuff the matching means including a second indicium on the sleeve that corresponds to the first indicium on the cuff and especially the sleeve is comprised of two layers, with one layer folded over another layer at a fold edge and so that the edges of the layers away from the fold edge are sewn together at a sewn edge of the sleeve; and

a method for matching components of an apparatus for protecting a patient's limb from tourniquet-related injury, comprising the steps of selecting a tourniquet cuff component having a length sufficient for encircling a limb at a location having a limb circumference of not less than a predetermined minimum limb circumference and not more than a predetermined maximum limb circumference; providing a limb protection sleeve component that is configured to have a tubular shape and a tubular circumference predetermined to be less than the predetermined minimum limb circumference wherein the sleeve is formed to allow elastic stretching of the tubular shape sufficient to increase the tubular circumference to be substantially equivalent to the limb circumference when the sleeve is applied to the limb between the cuff and limb, thereby applying a pressure to the limb that is greater than a predetermined minimum pressure and less than a predetermined maximum pressure; matching the selected tourniquet cuff component and limb protection sleeve component by marking the cuff and sleeve to indicate that those two

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components match one another; and especially wherein the predetermined maximum pressure is 25 mmHg.

Claims 1-2, 5-6, 8-9, 11-12, 19 and 21 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



02/16/2007

Vy Q. Bui  
Primary Examiner  
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